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10/691,558	10/24/2003	Koji Watarai	4495-059	7512

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EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/691,558

Applicant(s)

WATARAI ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 10/24/03, the following is a non-final first office action. Due to a pre-amendment filed 10/24/03, claim 1 has been properly amended. The applicant has attempted to amend claim 4, however, this claim amendment is not in the proper format. Claims 2 and 3 have been cancelled. Claims 1, and 4-9 are pending in this application and have been examined on the merits. Claims 1, and 4-9 are rejected as follows.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 4/26/01. It is noted, however, that applicant has not filed a certified copy of the JP2001-130189 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

3. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 3 and 4 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,064,985), and further in view of Thomas (US 3,865,380).

As per claim 1, Anderson discloses:

An information input system, (Col. 5, lines 30-33, data on stocks input into the system),

and an evaluating computer connected to the information input system, (Col. 1, lines 5-8, [financial business system that automates evaluation]);

wherein the evaluating computer comprises:

a Web server connected to the Internet, (Col. 5, lines 32-40, [usage of Internet by way of server]);

an application server for performing customer-equity evaluations, (col. 2, lines 9-12, [automated manager that is part of the automate computer system that performs evaluations]); and

a database for recording purchase records received from the information input system, (col. 2, lines 4-9, [database that includes stock purchased]);

the database comprises:

a table of original records for recording purchase records in the order that they are generated, (Fig. 7, [table of purchased stock]);

the application server comprises:

a purchase-data collecting means for receiving purchase records from companies and stores and recording these records in a table of original records, (Col. 5, lines 31-37, [data on stocks of selected index input into system]);

a customer-equity sorting means for determining the classification of customer equity...(Col. 13, lines 33-38, [stocks in the portfolio are classified]); and

a customer-equity evaluation means for counting the records in the master table of customers and table of original records and evaluating the customer equity for each company, (col. 13, line 45-Col. 14, line 37, [stock evaluation]);

and the customer-equity evaluation means comprises:

a total-customer-equity...(Col. 6, lines 6-7, [total value], and col. 13, line 29, [% earned on total capital]);

an average-customer-equity...(col. 13, line 29, [average PE]),

the customer-stability ratio, (Col. 9, lines 45-54, [stocks stabilized]); and

a customer-equity growth-ratio..., (Col. 9, lines 63-65, [growth stock]).

The following is obvious with Anderson since Anderson does disclose an automated portfolio management system that populates a database with data feed off the internet in order to facilitate a portfolio transaction in the abstract, lines 1-11:

An e-commerce transaction device

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an e-commerce-transaction device with the motivation of having the means to facilitate an e-commerce transaction.

the following is obvious with Anderson since Anderson discloses communications via Internet:

a communications controller connected to a public communications line;

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize a communications controller connected to a public communications line with the motivation of having means to actively communicate with the public.

The following is also obvious with Anderson since Anderson discloses that the stocks in the portfolio are classified as to their type, and that buyers have the right to buy particular stocks as shown in col. 14, lines 30-32. Therefore, specific customers have the right to buy stocks classified by type, so one can conclude that specific customers are directly associated with specific classes of stock and by recording classifications in the master table of customers, this directly associates the two:

a master table of customers; and recording these classifications in the master table of customers.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a master table of customers and to record classifications in the master table of customers with the motivation of having a way to directly associate customers with certain classes.

Anderson fails to disclose a tabulation table for sorting records by time period/ tabulating means/a means of tabulating; but does disclose a portfolio management system that manages data in a database as shown in the Abstract, lines 1-2.

However, Thomas discloses:

a tabulation table for sorting records by time period/ tabulating means/a means of tabulating, (Col. 28, lines 16-18, [tabulation of share values]). Thomas discloses this limitation in an analogous art for the purpose of showing that the value of various numbers of shares of stock purchased can be tabulated.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to tabulate records by time period and to tabulate total-customer-equity, and average-customer-equity, customer-stability, and customer-equity growth-ratio with the motivation of allowing a user to easily access and manipulate data that relates to customer equity.

As per claims 5, 7, Anderson discloses:

wherein the information input system is a point-of- sale terminal, (Col. 5, lines 30-45, shows that the stock index is selected by a user at a computer connected to the Internet., w/ Col. 2, lines 30-31, shows that once a user selects an index, this represents the stocks that may be purchased by the user).

As per claims 6, 8, Anderson discloses:

wherein the information input system is a sales management Computer System, (Col.1, lines 5-8, (financial business system that automates evaluation).

6. Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,064,985), and further in view of Thomas (US 3,865,380), and further in view of Horowitz et al (US 6,349,290).

As per claim 4, neither Anderson nor Thomas disclose wherein the purchase records include at least one of a store code, a region code, or a purchase-classification code, and customer equity is evaluated according to such a code, however Anderson does disclose that stocks in a portfolio are classified in col. 13, lines 33-38 and used to determine equity values.

However, Horowitz et al discloses:

wherein the purchase records include at least one of...a region code, (col. 18, lines 36-44, [country code]). Horowitz et al discloses this limitation in an analogous art for the purpose of showing that a country code is used to access and interact with a financial system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the purchase record to include at least one of a region code with the motivation of determining customer equity according to the location that the customer resides.

As per claim 9, Anderson discloses:

receiving purchase records and storing purchase records in a table of original records, (col. 2, lines 35-39, selected stocks are stocks already included in portfolio);

determining a classification of individual-customer equity and recording these classifications..., (Col. 2, lines 39-46, recording data in List 1, which is classified for eventual purchase, w/ col. 4, lines 40-42, shows equities are evaluated);



counting the records in the master table of customers and in the table of original records and evaluating the customer equity for each company, (Col. 2, lines 31-34, comparison of the number of stocks which were selected by the customer);

ranking and assigning symbols according to a ranking classification/classifying and ranking the targets of evaluation in terms of ratios of increase, stability, and decrease of sales before and after an evaluation period, (Col. 18, lines 10-23, ranking relevance of stocks selected by customer);

The following is also obvious with Anderson since Anderson discloses that the stocks in the portfolio are classified as to their type, and that buyers have the right to buy particular stocks as shown in col. 14, lines 30-32. Therefore, specific customers have the right to buy stocks classified by type, so one can conclude that specific customers are directly associated with specific classes of stock and by recording classifications in the master table of customers, this directly associates the two:

a master table of customers; and recording these classifications in the master table of customers.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a master table of customers and to record classifications in the master table of customers with the motivation of having a way to directly associate customers with certain classes.

Anderson fails to disclose and in which said matrix the vertical axis represents the purchase amount per customer as tabulated and recorded by said average-customer-equity tabulating means, and the horizontal axis represents the total number

of customers as tabulated and recorded by said total-customer-equity tabulating means, but does disclose a system where customers purchase stock in the abstract, lines 8-9.

However, Thomas discloses:

said matrix the vertical axis represents the purchase amount per customer as tabulated and recorded by said average-customer-equity tabulating means, and the horizontal axis represents the total number of customers as tabulated and recorded by said total-customer-equity tabulating means, (col. 1, lines 59-61 w/ col. 13, lines 26-58, tabulations). Thomas discloses this limitation in an analogous art for the purpose of showing that stocks purchase by customers can be tabulated).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to tabulate the purchase amount per customer as described above with the motivation of recording the purchase amount per customer accordingly.

Both Anderson and Thomas fail to disclose counting only the number of customers and purchase amounts for repeat customers, and for calculating and recording a customer-retention ratio as represented by the total number of customers and their total purchase amounts/ and in which symbols are plotted according to rankings, and wherein the horizontal axis represents the ratio of retained customers, who are repeat customers as tabulated and recorded by said means of tabulating the customer-stability ratio, but Anderson discloses a system where customers purchase stock in the abstract, lines 8-9.

However Horowitz discloses:

counting only the number of customers and purchase amounts for repeat customers, and for calculating and recording a customer-retention ratio as represented by the total number of customers and their total purchase amounts/ and in which symbols are plotted according to rankings, and wherein the horizontal axis represents the ratio of retained customers, who are repeat customers as tabulated and recorded by said means of tabulating the customer-stability ratio, (col. 16, line 68-col. 17, line 5, customer retention ratio). Horowitz discloses this limitation in an analogous art for the purpose of showing value added for a bank's products and services.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to count only the number of customers and purchase amounts for repeat customers, and for calculating and recording a customer-retention ratio as represented by the total number of customers and their total purchase amounts/and in which symbols are plotted according to rankings, and wherein the horizontal axis represents the ratio of retained customers, who are repeat customers as tabulated and recorded by said means of tabulating the customer-stability ratio, with the motivation of determining customer value to the business.

Both Anderson and Thomas fail to specifically disclose the following, however does disclose that buyers purchase additional stock in addition to new stock, in the abstract, lines 8-9. Also, Anderson discloses periodic performance comparison based on newly input data in Col. 12, lines 15-18.

However, Horowitz et al discloses:

(1) counting the number of ex-customers, and their purchase amounts, who made purchases in the previous evaluating period but none in the current evaluating period; (2) calculating and recording cumulative total of the number of such ex-customers and their purchase amounts; (3) counting the number of new customers, and their purchase amounts, who began purchasing in the current evaluating period; (4) calculating and recording cumulative total of the number of such new customers and their purchase amounts, (5) calculating and recording the ratios of new customers and their purchase amounts to ex-customers and their purchase amounts/while the vertical axis represents the ratios of the number of new customers and their purchase amounts to the number of ex-customers and their purchase amounts as tabulated and recorded by said customer-equity growth-ratio tabulating means, (col. 2, lines 2-4, shows system deals with old and new customers by retaining and attracting customers, w/Col. 31, lines 40-55, determining the percentage of total assess in each customer investment). Horowitz et al discloses these limitation in an analogous art for the purpose of determining ex and new customer's purchase information in order to generate advice about a customer's financial purchase.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to count the number or ex-customers and their purchase amounts, calculate and record a cumulative total, count the number of new customers and their purchase amounts and calculate, record the cumulative total of such new customers, calculate and record the ratios of these customers, and to calculate the ratios of these

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types of customers with the motivation of having the ability to determine the ratio of new customers versus old customers.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.

November 29, 2004



**TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**